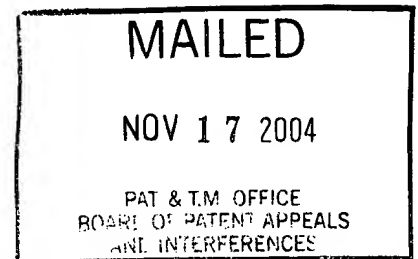


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YOSHIHITO ASAO

Application No. 09/277,198



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 18, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On July 24, 2001, appellant filed an Advisory Action. A review of the document in IFW reveals that the Advisory Action is incomplete. On page 2 of the Advisory Action, the paper indicated that 6 pages were included, but only the cover sheet to the Advisory Action has been scanned. Before further review, the

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examiner must have the complete Advisory Action scanned into IFW. Appropriate correction is required.

In addition, appellant filed a reply brief on October 15, 2003, in response to the Examiner's answer mailed August 15, 2003. However, there is no indication on the record whether or not the examiner has responded to the reply brief. Section § 1208.03 of the Manual of Patent Examining Procedure (8th ed., Aug. 2001) states:

[A]ppellant may file a reply brief as a matter of right within 2 months from the mailing date of the examiner's answer. . . . The primary must then either: (A) acknowledge receipt and entry of the reply brief by using form paragraph 12.47 on form PTOL-90; or (B) reopen prosecution to respond to the reply brief. See MPEP § 1208.02 [emphasis added].

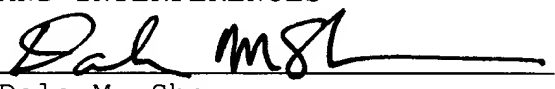
Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) entry of the complete document to the Advisory Action filed July 24, 2001; 2) proper response to the reply brief filed October 15, 2003; and 3) such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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